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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HERBERT S. OLSON,
Plaintiff,
v.
SAMUDRA PRIYA DIAS, individually and as
Trustee of the Priya Dias Trust, est. May
15, 2003, dba SKYLARK SHORES RESORT
MOTEL, and DOES ONE to FIFTY,
inclusive,
Defendants.

} Case No. C-08-3382 EMC

} Civil Rights

} COMPLAINT FOR INJUNCTIVE RELIEF
AND DAMAGES: DENIAL OF CIVIL
RIGHTS OF A DISABLED PERSON IN
VIOLATION OF THE AMERICANS WITH
DISABILITIES ACT OF 1990; VIOLATION
OF CALIFORNIA'S CIVIL RIGHTS
STATUTES

} JURY TRIAL REQUESTED

Plaintiff **HERBERT S. OLSON** complains of defendants **SAMUDRA PRIYA DIAS**, individually and as Trustee of the Priya Dias Trust, est. May 15, 2003, dba **SKYLARK SHORES RESORT MOTEL**, and **DOES ONE to FIFTY**, inclusive, and alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction of this action pursuant to 28 **USC** § 1331 for violations of the **Americans with Disabilities Act of 1990**, (42 **USC** § 12101, et seq.) Pursuant to pendant jurisdiction, attendant and related causes of action, arising from the same facts, are also brought under California law, including, but not limited to, violations of **California Health & Safety Code** § 19955, et seq., including **California Code of Regulations**, Title 24, § 19959, **California Civil Code** §§ 51, 51.5, 52(a), 52.1, 54, 54.1, 54.3 and 55.

2. Venue is proper in this court pursuant to 28 **USC** § 1331(b) and is founded on the fact that the real property which is the subject of this action is located in this district, at Lakeport, Lake County, California, and that Plaintiff's causes of action arose in this district.

INTRODUCTION

3. **SKYLARK SHORES** is located at 1120 N. Main Street, Lakeport, California. Said motel is owned and operated by defendants **SAMUDRA PRIYA DIAS, and DOES ONE to FIFTY, inclusive.**

4. Defendants **SAMUDRA PRIYA DIAS**, and **DOES ONE to FIFTY**, inclusive, operate an establishment for services to the public and at which Defendants failed to provide barrier free access to said establishment in conformity with both Federal and California legal requirements. Further, Defendants failed to provide compliance as follows:

Parking

- a) The signage pole height is too short and obscured by a vehicle parked in the space in violation of California Title 24 §1129B.5, ADAAG 4.6.4.
 - b) The access aisles for all the parking spaces are painted on the wrong side in violation of California Title 24 §1129B.4, ADAAG 4.6.6, Fig. 10, Fig. 11B-18A.
 - c) The words ‘no parking’ are not painted in the accessible parking aisle in violation of California Title 24 §1129B.4 (1), Fig. 11B-18A, ADAAG 4.6.4.
 - d) The tow away signage is not in visible plain sight in violation of California Title 24 §1129B.4.5, ADAAG 4.6.4.
 - e) There is no van accessible parking space in violation of California Title 24 §1129B.4 (2), ADDAG 4.6.3*, Fig. 11B-18B.

Exterior

- f) There is a step to enter the main office building in violation of California Title 24§1133B.1.1.1.1, ADAAG 4.3.2 (2)
 - g) There is no required International Symbol of Accessibility signage posted at the primary entrance in violation of California Title 24 §1117B.5.8.1.2, ADAAG 4.30.7.

Room # 104

- h) The entry door for room #104 has no handicap signage in violation of California Title 24 §1117B.5.1 (2), ADAAG 4.31.7*, Fig 43 (a).
 - i) The card entry with lock mechanism are too hard to operate in violation of California Title 24 §1133B.2.5.2, ADAAG 4.13.9*, 4.13.5.
 - j) There is no room to transfer from a wheelchair to the commode in violation

of California Title 24 § 1111B.4.5, ADAAG 4.16.2.

- 1 k) The shower is too narrow in violation of California Title 24 §1115B.6.2.1,
2 ADAAG 4.21.8, 9.2.2 (6)(e), Fig. 35 (b).
- 3 l) The shower door swings into the floor space in violation of California Title
4 24 §1115B.9.7, ADAAG 4.21.1*.
- 5 m) The hand held spray unit is too high in violation of California Title 24
6 §1115B.6.2.4.2, ADAAG 4.21.6.
- 7 n) There is no shower seat in room #104 in violation of California Title 24
8 §1115B.6.2.5, §1115B.6.2.4.5 (1), ADAAG 4.21.3, Fig. 11B-2A-C.
- 9 o) The soap dish is not within reach while seated on the shower seat in
10 violation of California Title 24 §1115B.6.2.4.6, ADAAG 4.23.7.
- 11 p) The grab bars in the shower stall are in violation of California Title 24
12 §1115B.6.2.4.5 (2), ADAAG 4.21.4, Fig. 37(a).
- 13 q) There is no grab bar mounted behind the toilet area in violation of
14 California Title 24 §1115B.8.1, ADAAG 4.26.1*, Fig. 30(a).
- 15 r) The bathroom sink has twist and turn hardware in violation of California
16 Title 24 §1133B.2.5.2, ADAAG 4.27.4.
- 17 s) There is no adequate knee space under the lavatory in violation of
18 California Title 24 1115B.2.1.2, ADAAG 4.19.2, Fig 31.
- 19 t) The towel rack next to the lavatory is too high in violation of California Title
20 24 §1115B.9.2, ADAAG 4.23.7.
- 21 u) The toilet is too low in violation of California Title 24 § 1115B, ADAAG
22 4.17.3, Table B-1.

The above barriers interfered with Plaintiff's access of the facilities and continue to deter Plaintiff from visiting said facilities, and as a legal result, Plaintiff **HERBERT S. OLSON** suffers violations of his civil rights to full and equal enjoyment of goods, services, facilities and privileges, and has and will suffer embarrassment and humiliation.

FACTUAL ALLEGATIONS

5. Plaintiff **HERBERT S. OLSON** is, and at all times relevant to this Complaint is, a "physically handicapped person," "physically disabled person," and a "person with a disability," as these terms are used under California law and under federal laws including, but not limited to, Title III of the **Americans with Disabilities Act of 1990**. (The terms "physically handicapped person," "physically disabled person," and a "person with a disability" will be used interchangeably throughout this Complaint.) Plaintiff is a "person with a disability," as defined by all applicable California and United State's laws. Plaintiff **HERBERT S. OLSON** is severely

1 limited in the use of his legs.

2 6. Defendants **SAMUDRA PRIYA DIAS, and DOES ONE to FIFTY, inclusive**, at
3 all times relevant herein were and are the owners and operators; lessors and/or lessees,
4 franchisers and/or franchisees, of public facilities known as the "**SKYLARK SHORES**," located
5 at Lakeport, California, subject to the requirements of California state law requiring full and
6 equal access to public facilities pursuant to **California Health & Safety Code** § 19955, et seq.,
7 **California Civil Code** §§ 51, 51.5, 52(a), 52.1, 54, 54.1, 54.3 and 55, and subject to Title III of
8 the **Americans with Disabilities Act of 1990**, and to all other legal requirements referred to in
9 this Complaint. Plaintiff does not know the relative responsibilities of defendants in the
10 operation of the facilities herein complained of, and alleges a joint venture and common
11 enterprise by all such defendants.

12 7. Defendants **SAMUDRA PRIYA DIAS, and DOES ONE to FIFTY, inclusive**
13 (hereinafter alternatively referred to collectively as "defendants"), at all times relevant herein
14 were and are owners, possessors, builders and keepers of the "**SKYLARK SHORES**" in
15 Lakeport, California.

16 8. Defendants **SAMUDRA PRIYA DIAS, and DOES ONE to FIFTY, inclusive** are
17 the owners and operators of the subject "**SKYLARK SHORES**" at all times relevant to this
18 Complaint. Plaintiff is informed and believes that each of the defendants herein is the agent,
19 employee or representative of each of the other defendants, and performed all acts and
20 omissions stated herein within the scope of such agency or employment or representative
21 capacity and is responsible in some manner for the acts and omissions of the other defendants
22 in legally causing the damages complained of herein, and have approved or ratified each of
23 the acts or omissions of each other defendant, as herein described.

24 9. Plaintiff **HERBERT S. OLSON** does not know the true names and capacities of
25 defendants **SAMUDRA PRIYA DIAS, and DOES ONE to FIFTY, inclusive**, their business
26 capacities, their ownership connection to the property and business, nor their relative
27 responsibilities in causing the access violations herein complained of, and alleges a joint
28 venture and common enterprise by all such defendants. Plaintiff is informed and believes that

each of the defendants herein, including DOES ONE to FIFTY, inclusive, is the agent, ostensible agent, master, servant, employer, employee, representative, franchiser, franchisee, joint venturer, partner, and associate, or such similar capacity, of each of the other defendants, and was at all times acting and performing, or failing to act or perform, with the authorization, consent, permission or ratification of each of the other defendants, and is responsible in some manner for the acts and omissions of the other defendants in legally causing the violations and damages complained of herein, and have approved or ratified each of the acts or omissions of each other defendant, as herein described. Plaintiff will seek leave to amend this Complaint when the true names, capacities, connections and responsibilities of defendants **SAMUDRA PRIYA DIAS, and DOES ONE to FIFTY, inclusive**, are ascertained.

10. Plaintiff is informed and believes that all named defendants, including DOES ONE to FIFTY, inclusive, conspired to commit the acts described herein, or alternatively, aided and abetted one another in the performance of the wrongful acts hereinafter alleged.

11. Defendants **SAMUDRA PRIYA DIAS, and DOES ONE to FIFTY, inclusive**, are the owners and operators of the "**SKYLARK SHORES**" located at Lakeport, California. This motel, including, but not limited to, parking spaces and access aisles and access routes, are each a part of a "public accommodation or facility" subject to the requirements of **California Health & Safety Code** § 19955, et seq., and of **California Civil Code** §§ 51, 52(a), 54, 54.1, et seq. On information and belief, this "**SKYLARK SHORES**" motel was constructed after 1990, which has subjected the "**SKYLARK SHORES**" motel to handicapped access requirements per **California Health & Safety Code** § 19959, and applicable portions of **California Code of Regulations**, Title 24, (the State Building Code).

12. On or about April 5, 2008, Plaintiff **HERBERT S. OLSON**, visited the "**SKYLARK SHORES**" in Lakeport, California for the purpose of obtaining a motel room. Defendants **SAMUDRA PRIYA DIAS, and DOES ONE to FIFTY, inclusive**, interfered with Plaintiff's access to the "**SKYLARK SHORES**" as set forth in Paragraph 4 above.

13. Said acts and omissions denied Plaintiff legal handicapped access to the "**SKYLARK SHORES**" according to federal and state law.

1 13. Plaintiff's home, in Fallon, Nevada, is approximately 316 miles from the
2 "SKYLARK SHORES" in Lakeport, California. Plaintiff travels regularly to Lakeport for
3 pleasure and business. Plaintiff intends to return to "SKYLARK SHORES" in Lakeport,
4 California when this public accommodation is made accessible.

5 14. Plaintiff encountered and/or is informed and believes that the following
6 architectural barriers, which violate the requirements of the ***California Code of Regulations***
7 Title 24 and **ADAAG**, existed and continue to exist thereby denying Plaintiff and those similarly
8 situated full and equal access to the subject public facility as set forth in Paragraph 4 above.

9 15. Defendants, and each of them, discriminated against Plaintiff **HERBERT S.**
10 **OLSON** on the basis of his physical disability, and interfered with his access to the "SKYLARK
11 SHORES" establishment, in violation of both California law including, but not limited to,
12 ***California Civil Code*** §§ 51, 51.5, 54, 54.1, and a violation of Title III, §302, the "Prohibition of
13 Discrimination" provision and §503, the "Prohibition Against Retaliation or Coercion" provision
14 of the ***Americans with Disabilities Act of 1990***.

15 16. As a result of the actions and failure to act of defendants, and each of them, and
16 as a result of the failure to provide appropriate accessible parking, proper signage, proper
17 accessible entryways, and accessible accommodations for a motel, Plaintiff **HERBERT S.**
18 **OLSON** suffered and will suffer a loss of his civil rights to full and equal access to public
19 facilities, and further suffered and will suffer emotional distress, mental distress, mental
20 suffering, mental anguish, which includes shame, humiliation, embarrassment, anger, chagrin,
21 disappointment and worry, expectedly and naturally associated with a person with a physical
22 disability being denied access to a public accommodation, all to his damages as prayed
23 hereinafter in an amount within the jurisdiction of this court.

24 **I. FIRST CAUSE OF ACTION:**

25 **VIOLATION OF *THE AMERICANS WITH DISABILITIES ACT OF 1990***
26 (42 **USC** §12101 et seq.)

27 17. Plaintiff repleads and incorporates by reference, as if fully set forth again herein,
28 the allegations contained in paragraphs 1 through 16 of this Complaint and incorporates them
herein as if separately replied.

1 18. Pursuant to law, in 1990 the United States Congress made findings per 42 **USC**
 2 § 12101 regarding persons with physical disabilities, finding that laws were needed to more
 3 fully protect 43 million Americans with one or more physical or mental disabilities; [that]
 4 historically society has tended to isolate and segregate individuals with disabilities; [that] such
 5 forms of discrimination against individuals with disabilities continue to be a serious and
 6 pervasive social problem; [that] the nation's proper goals regarding individuals with disabilities
 7 are to assure equality of opportunity, full participation, independent living and economic self-
 8 sufficiency for such individuals; [and that] the continuing existence of unfair and unnecessary
 9 discrimination and prejudice denies people with disabilities the opportunity to compete on an
 10 equal basis and to pursue those opportunities for which our free society is justifiably famous.

11 19. Congress stated as its purpose in passing the **Americans with Disabilities Act**
 12 **of 1990** (42 **USC** § 12102):

13 It is the purpose of this act (1) to provide a clear and comprehensive
 14 national mandate for the elimination of discrimination against individuals with
 15 disabilities; (2) to provide clear, strong, consistent, enforceable standards
 16 addressing discrimination against individuals with disabilities; (3) to ensure that
 17 the Federal government plays a central role in enforcing the standards
 18 established in this act on behalf of individuals with disabilities; and (4) to invoke
 19 the sweep of Congressional authority, including the power to enforce the 14th
 20 Amendment and to regulate commerce, in order to address the major areas of
 21 discrimination faced day to day by people with disabilities.

22 20. As part of the **Americans with Disabilities Act of 1990**, Public Law 101-336
 23 (hereinafter the "ADA"), Congress passed "Title III - Public Accommodations and Services
 24 Operated by Private Entities" (42 **USC** § 12181 et seq.). Among the public accommodations
 25 identified for purposes of this title were "an inn, hotel, motel, or other place of lodging, . . ."

26 21. Pursuant to 42 **USC** § 12182,

27 "No individual shall be discriminated against on the basis of disability in
 28 the full and equal enjoyment of the goods, services, facilities, privileges,
 29 advantages, or accommodations of any place of public accommodation by any
 30 person who owns, leases (or leases to), or operates a place of public
 31 accommodation."

32 22. Among the general prohibitions against discrimination were included in 42 **USC**
 33 §12182(b)(1)(A)(i):

34 **Denial of participation.** It shall be discriminatory to subject an individual

1 or class of individuals on the basis of a disability or disabilities of such individual
 2 or class, directly, or through contractual, licensing, or other arrangements, to a
 3 denial of the opportunity of the individual or class to participate in or benefit from
 4 the goods, services, facilities, privileges, advantages, or accommodations of an
 5 entity.

6 23. Among the general prohibitions against discrimination were included in 42 **USC**
 7 §12182(b)(1)(E):

8 **Association** -- It shall be discriminatory to exclude or otherwise deny
 9 equal goods, services, facilities, privileges, advantages, accommodations, or
 10 other opportunities to an individual or entity because of the known disability of an
 11 individual with whom the individual or entity is known to have a relationship or
 12 association.

13 The acts of defendants set forth herein were a violation of Plaintiff's rights under the ADA,
 14 Public Law 101-336, and the regulations promulgated thereunder, 28 **CFR** Part 36 et seq.

15 24. Among the general prohibitions against discrimination were included in 42 **USC**
 16 § 12182(b)(2)(A)(i) and 42 **USC** § 12182(b)(2)(A)(ii):

17 **Discrimination.** For purposes of subsection (a), discrimination includes -

18 (i) the imposition or application of eligibility criteria that screen out or tend
 19 to screen out an individual with a disability or any class of individuals with
 20 disabilities from fully and equally enjoying any goods, services, facilities,
 21 privileges, advantages, or accommodations, unless such criteria can be shown to
 22 be necessary for the provision of the goods, services, facilities, privileges,
 23 advantages, or accommodations being offered;

24 (ii) a failure to make reasonable modifications in policies, practices, or
 25 procedures, when such modifications are necessary to afford such goods,
 26 services, facilities, privileges, advantages, or accommodations to individuals with
 27 disabilities, unless the entity can demonstrate that making such modifications
 28 would fundamentally alter the nature of such goods, services, facilities,
 29 privileges, advantages, or accommodations.

30 25. Plaintiff alleges that constructing the eligibility requirements, policies, practices
 31 and procedure for entry to the "**SKYLARK SHORES**" facility by persons with disabilities and
 32 their companions as established by the defendants can be simply modified to eliminate
 33 disparate and discriminatory treatment of persons with disabilities by properly constructing
 34 barrier free handicapped access for safe and full and equal enjoyment of the "**SKYLARK**
 35 **SHORES**" as that enjoyed by other people.

36 26. The specific prohibition against retaliation and coercion is included in the

1 **Americans With Disabilities Act of 1990 § 503(b) and the Remedies and Procedures in §**
 2 **503(c):**

3 (b) Interference, Coercion, or Intimidation. - It shall be unlawful to coerce,
 4 intimidate, threaten, or interfere with any individual in the exercise or enjoyment
 5 of, or on account of his or her having exercised or enjoyed, or on account of his
 6 or her having aided or encouraged any other individual in the exercise or
 7 enjoyment of, any right granted or protected by this Act.

8 (c) Remedies and Procedure. - The remedies and procedures available
 9 under sections 107, 203, and 308 of this Act shall be available to aggrieved
 10 persons for violations of subsections (a) and (b), with respect to Title I, Title II
 11 and Title III, respectively.

12 27. Among the specific prohibitions against discrimination were included, in 42 **USC**
 13 § 12182(b)(2)(a)(iv), "A failure to remove architectural barriers, and communications barriers
 14 that are structural in nature, in existing facilities...where such removal is readily achievable;"
 15 and (v) "where and entity can demonstrate that the removal of a barrier under clause (iv) is not
 16 readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or
 17 accommodations available through alternative methods if such methods are readily
 18 achievable." The acts of Defendants set forth herein were a violations of Plaintiff's rights under
 19 the "ADA," Public Law 101-336, and the regulations promulgated thereunder, 28 **CFR** Part 36,
 20 *et seq.*

21 28. The removal of the barriers complained of by Plaintiff as hereinabove alleged
 22 were at all times after 1990 "readily achievable." On information and belief, if the removal of all
 23 the barriers complained of here together were not "readily achievable," the removal of each
 24 individual barrier complained of herein was "readily achievable."

25 29. Per 42 **USC** § 12181(9), "The term 'readily achievable' means easily
 26 accomplishable and able to be carried out without much difficulty or expense." The statute and
 27 attendant regulations define relative "expense" in relation to the total financial resources of the
 28 entities involved, including any "parent" companies. Plaintiff alleges that properly repairing
 29 each of the items that Plaintiff complains of herein is readily achievable, including, but not
 30 limited to, correcting and repairing the items set forth in Paragraph 4 above.

31 The changes needed to remove barriers to access for the disabled were and are

1 "readily achievable" by the defendants under standards set forth under 42 **USC** § 12181 of the
 2 **Americans with Disabilities Act of 1990.** (Further, if it was not "readily achievable" for
 3 defendants to remove all such barriers, defendants have failed to make the required services
 4 available through alternative methods, although such methods are achievable as required by
 5 42 **USC** §12181(b)(2)(a)(iv), (v).)

6 30. Pursuant to the **Americans with Disabilities Act of 1990**, §308 (42 **USC** §
 7 12188 *et seq.*), Plaintiff is entitled to the remedies and procedures set forth in the **Civil Rights**
 8 **Act of 1964** §204(a), (42 **USC** § 2000a-3(a)), as Plaintiff is being subjected to discrimination
 9 on the basis of disability in violation of this title and/or Plaintiff has reasonable grounds for
 10 believing that he is about to be subjected to discrimination in violation of **Americans With**
 11 **Disabilities Act of 1990** §302. Plaintiff cannot return to or make use of the public facilities
 12 complained of herein for the purpose of entry and provision of goods and service so long as
 13 defendants continue to apply eligibility criteria, policies, practices and procedures to screen out
 14 and refuse to allow entry and service to persons with disabilities such as Plaintiff's.

15 31. Defendants', and each of their acts and omissions of failing to provide barrier free
 16 handicapped access for Plaintiff, were tantamount to interference, coercion or intimidation
 17 pursuant to **Americans With Disabilities Act of 1990** §503(b) (now 42 **USC** § 12203):

18 It shall be unlawful to coerce, intimidate, threaten, or interfere with any
 19 individual in the exercise or enjoyment of, or on account of his or her having
 20 aided or encouraged any other individual in the exercise or enjoyment of, any
 21 right granted or protected by this Act.

22 32. Per **Americans With Disabilities Act of 1990** § 308(a)(1) (now 42 **USC** §
 23 12188), "Nothing in this section shall require a person with a disability to engage in a futile
 24 gesture if such person has actual notice that a person or organization covered by this title does
 25 not intend to comply with its provisions." Pursuant to this last section, Plaintiff, on information
 26 and belief, alleges that defendants have continued to violate the law and deny the rights of
 27 Plaintiff and other disabled persons to access this public accommodation for the purpose of
 28 obtaining lodging. Therefore, Plaintiff seeks injunctive relief pursuant to §308(a)(2),

29 "...Where appropriate, injunctive relief shall also include requiring the
 30 provision of an auxiliary aid or service, modifications of a policy, or provision of

alternative methods, to the extent required by this title."

1 33. Plaintiff seeks relief pursuant to remedies set forth in § 204(a) of the **Civil Rights
2 Act of 1964** (42 **USC** § 2000a-3(a)), and pursuant to federal regulations adopted to implement
3 the **Americans with Disabilities Act of 1990**, including, but not limited to, an order granting
4 injunctive relief and attorneys' fees. Such attorneys' fees, "including litigation expenses and
5 costs," are further specifically provided for by §505 of Title III.

6 WHEREFORE, Plaintiff prays for damages as hereinafter stated.

7 **II. SECOND CAUSE OF ACTION**

8 BREACH OF STATUTORY PROTECTIONS FOR PERSONS WITH PHYSICAL
9 DISABILITIES (**California Health & Safety Code** § 19955, et seq.)

10 34. Plaintiff repleads and incorporates by reference, as if fully set forth again herein,
11 the allegations contained in paragraphs 1 through 33 of this Complaint and incorporate them
herein as if separately replied.

12 35. **California Health & Safety Code** § 19955 provides in pertinent part:

13 The purpose of this part is to insure that public accommodations or
14 facilities constructed in this state with private funds adhere to the provisions of
15 Chapter 7 (commencing with Sec. 4450) of Division 5 of Title 1 of the
16 *Government Code*. For the purposes of this part "public accommodation or
17 facilities" means a building, structure, facility, complex, or improved area which is
18 used by the general public and shall include auditoriums, hospitals, theaters,
restaurants, hotels, motels, stadiums, and convention centers. When sanitary
facilities are made available for the public, clients or employees in such
accommodations or facilities, they shall be made available for the handicapped.

19 36. **California Health & Safety Code** § 19956, which appears in the same chapter
20 as §19955, provides in pertinent part, "accommodations constructed in this state shall conform
21 to the provisions of Chapter 7 (commencing with Sec. 4450) of Division 5 of Title 1 of the
22 *Government Code...*" **California Health & Safety Code** § 19956 was operative July 1, 1970,
23 and is applicable to all public accommodations constructed or altered after that date. On
24 information and belief, portions of "**SKYLARK SHORES**" and/or of its buildings, were
25 constructed and/or altered after July 1, 1970, and substantial portions of said building had
26 alterations, structural repairs, and/or additions made to such public accommodations after July
27 1, 1970, thereby requiring said public accommodations and/or buildings to be subject to the
28 requirements of Part 5.5, **California Health & Safety Code** § 19955, et seq., upon such

1 alteration, structural repairs or additions per **California Health & Safety Code** § 19959.

2 37. Pursuant to the authority delegated by **California Government Code** § 4450, et
3 seq., the State Architect promulgated regulations for the enforcement of these provisions.
4 Effective January 1, 1982, Title 24 of the **California Administrative Code** adopted the
5 California State Architect's Regulations and these regulations must be complied with as to any
6 alterations and/or modifications of the "**SKYLARK SHORES**" occurring after that date.
7 Construction changes occurring prior to this date but after July 1, 1970 triggered access
8 requirements pursuant to the "ASA" requirements, the **American Standards Association**
9 **Specifications**, A117.1-1961. On information and belief, at the time of the construction and
10 modification of said building, all buildings and facilities covered were required to conform to
11 each of the standards and specifications described in the **American Standards Association**
12 **Specifications** and/or those contained in Title 24 of the **California Administrative Code**,
13 (now known as Title 24, **California Code of Regulations**.)

14 38. Public facilities, such as "**SKYLARK SHORES**" are public accommodations or
15 facilities within the meaning of **California Health & Safety Code** § 19955, et seq.

16 39. It is difficult or impossible for persons with physical disabilities who use
17 wheelchairs, canes, walkers and service animals to travel about in public to use a motel with
18 the defects set forth in Paragraph 4 above as required by Title 24 of the **California Code of**
19 **Regulations** and the **Americans with Disabilities Act Access Guidelines (ADAAG)**. Thus,
20 when public accommodations fail to provide handicap accessible public facilities, persons with
21 physical disabilities are unable to enter and use said facilities, and are denied full and equal
22 access to and use of that facility that is enjoyed by other members of the general public.

23 40. Plaintiff **HERBERT S. OLSON** and other similarly situated persons with physical
24 disabilities whose physical conditions require the use of wheelchairs, canes, walkers and
25 service animals are unable to use public facilities on a "full and equal" basis unless each such
26 facility is in compliance with the provisions of the **California Health & Safety Code** § 19955,
27 et seq. Plaintiff is a member of that portion of the public whose rights are protected by the
28 provisions of **California Health & Safety Code** § 19955, et seq.

1 41. The **California Health & Safety Code** was enacted “[t]o ensure that public
2 accommodations or facilities constructed in this state with private funds adhere to the
3 provisions of Chapter 7 (commencing with §4450) of Division 5 of Title 1 of the *Government*
4 *Code.*” Such public accommodations are defined to include motels.

5 42. Plaintiff is further informed and believes that as of the date of filing this
6 Complaint, Defendants have not made accessible the facilities at the subject motel as set forth
7 in Paragraph 4 above.

8 43. Plaintiff **HERBERT S. OLSON** is informed and believes, and therefore alleges,
9 that Defendants **SAMUDRA PRIYA DIAS, and DOES ONE to FIFTY, inclusive**, and each of
10 them, caused the subject buildings constituting “**SKYLARK SHORES**” to be constructed,
11 altered and maintained in such a manner that persons with physical disabilities were denied full
12 and equal access to, within and throughout said buildings and were denied full and equal use
13 of said public facilities, and despite knowledge and actual and constructive notice to such
14 Defendants that the configuration of the motel and/or buildings was in violation of the civil
15 rights of persons with physical disabilities, such as Plaintiff. Such construction, modification,
16 ownership, operation, maintenance and practices of such public facilities are in violation of law
17 as stated in Part 5.5, **California Health & Safety Code** § 19955, et seq., and elsewhere in the
18 laws of California.

19 44. On information and belief, the subject building constituting the public facilities of
20 “**SKYLARK SHORES**” denied full and equal access to Plaintiff and other persons with physical
21 disabilities in other respects due to non-compliance with requirement of Title 24 of the
22 **California Code of Regulations** and **California Health & Safety Code** § 19955, et seq.

23 45. The basis of Plaintiff’s aforementioned information and belief is the various
24 means upon which Defendants must have acquired such knowledge, including, but not limited
25 to, this lawsuit, other access lawsuits, communications with operators of other motels and
26 other property owners regarding denial access, communications with Plaintiff and other
27 persons with disabilities, communications with other patrons who regularly visit there,
28 communications with owners of other businesses, notices and advisories they obtained from

1 governmental agencies through the mails, at seminars, posted bulletins, television, radio,
2 public service announcements, or upon modification, improvement, alteration or substantial
3 repair of the subject premises and other properties owned by these Defendants, newspaper
4 articles and trade publications regarding the **Americans with Disabilities Act of 1990** and
5 other access law, and other similar information. The scope and means of the knowledge of
6 each defendant is within each defendant's exclusive control and cannot be ascertained except
7 through discovery.

8 46. As a result of Defendants' acts and omissions in this regard, Plaintiff has been
9 required to incur legal expenses and hire attorneys in order to enforce his civil rights and
10 enforce provisions of the law protecting access for persons with physical disabilities and
11 prohibiting discrimination against persons with physical disabilities, and to take such action
12 both in his own interests and in order to enforce an important right affecting the public interest.
13 Plaintiff, therefore, seeks damages in this lawsuit for recovery of all reasonable attorneys' fees
14 incurred, pursuant to the provisions of the **California Code of Civil Procedure** § 1021.5.
15 Plaintiff additionally seeks attorneys' fees pursuant to **California Health & Safety Code** §
16 19953 and **California Civil Code** §§ 54.3 and 55.

17 47. Defendants, and each of them, at times prior to and including April 5, 2008, and
18 continuing to the present time, knew that persons with physical disabilities were denied their
19 rights of equal access to all portions of this public facility. Despite such knowledge,
20 Defendants failed and refused to take steps to comply with the applicable access statutes; and
21 despite knowledge of the resulting problems and denial of civil rights thereby suffered by
22 Plaintiff **HERBERT S. OLSON** and other similarly situated persons with disabilities, including
23 the specific notices referred to in paragraph 43 of this Complaint. Defendants have failed and
24 refused to take action to grant full and equal access to persons with physical disabilities in the
25 respects complained of hereinabove. Defendants and each of them have carried out a course
26 of conduct of refusing to respond to, or correct complaints about, denial of handicap access.
27 Such actions and continuing course of conduct by Defendants, evidence despicable conduct in
28 conscious disregard for the rights or safety of Plaintiff and of other similarly situated persons,

1 justifying an award of treble damages pursuant to ***California Civil Code*** § 54.3.

2 48. Defendants' actions have also been oppressive to persons with physical
 3 disabilities and of other members of the public, and have evidenced actual or implied malicious
 4 intent toward those members of the public, such as Plaintiff and other persons with physical
 5 disabilities who have been denied the proper access they are entitled to by law. Further,
 6 Defendants' refusals on a day-to-day basis to correct these problems evidence despicable
 7 conduct in conscious disregard for the rights of Plaintiff and other members of the public with
 8 physical disabilities.

9 49. Plaintiff prays for an award of treble damages against Defendants, and each of
 10 them, pursuant to ***California Civil Code*** § 54.3 in an amount sufficient to make a more
 11 profound example of Defendants and discourage owners, operators, franchisers and
 12 franchisees of other public facilities from willful disregard of the rights of persons with physical
 13 disabilities.

14 50. As a result of the actions and failure of Defendants, and each of them, and as a
 15 result of the failure to provide proper accessible public facilities, Plaintiff **HERBERT S. OLSON**
 16 was denied his civil rights, including his right to full and equal access to public facilities, was
 17 embarrassed and humiliated, suffered physical, psychological and mental injuries and
 18 emotional distress, mental distress, mental suffering, mental anguish, which includes shame,
 19 humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and
 20 naturally associated with a person with a physical disability being denied access to a public
 21 accommodation.

22 WHEREFORE, Plaintiff prays for damages as hereinafter stated.

23 **III. THIRD CAUSE OF ACTION**

24 VIOLATION OF CALIFORNIA'S CIVIL RIGHTS ACTS
 (***California Civil Code*** §§ 54, 54.1 and 54.3)

25 51. Plaintiff repleads and incorporates by reference as if fully set forth again herein,
 26 the allegations contained in paragraphs 1 through 50 of this Complaint and incorporates them
 27 herein as if separately replied.

28 52. The public facilities above-described constitute public facilities and public

1 accommodations within the meaning of ***California Health & Safety Code*** § 19955 et seq. and
 2 were facilities to which members of the public are invited. The aforementioned acts and
 3 omissions of defendants, and each of them, constitute a denial of equal access to and use and
 4 enjoyment of these facilities by persons with disabilities, including Plaintiff **HERBERT S.**
 5 **OLSON**. Said acts and omissions are also in violation of provisions of Title 24 of the
 6 ***California Code of Regulations***.

7 53. The rights of Plaintiff, the entitlement of Plaintiff to full and equal access and the
 8 denial by defendants of such rights and entitlements are set forth in ***California Civil Code*** §§
 9 54, 54.1 and 54.3, to wit:

10 Individuals with disabilities shall have the same right as the...general
 11 public to full and free use of the streets, highways, sidewalks, walkways, public
 12 buildings, public facilities, and other public places. ***California Civil Code*** §
 13 54(a).

14 Individuals with disabilities shall be entitled to full and equal access, as
 15 other members of the general public, to accommodations, advantages, facilities,
 16 and privileges of all common carriers, airplanes, motor vehicles, railroad trains,
 17 motor buses, streetcars, boats, or any other public conveyances or modes of
 18 transportation (whether private, public, franchised, licensed, contracted, or
 19 otherwise provided), telephone facilities, adoption agencies, private schools,
 20 hotels, lodging places, places of public accommodation, amusement or resort,
 21 and other places to which the general public is invited, subject only to the
 22 conditions and limitations established by law, or state or federal regulation, and
 23 applicable alike to all persons. ***California Civil Code*** § 54.1(a).

24 54. On or about April 5, 2008, Plaintiff **HERBERT S. OLSON** suffered violations of
 25 ***California Civil Code*** §§ 54 and 54.1 in that he was denied full and equal enjoyment of the
 26 goods, services, facilities and privileges of said **SKYLARK SHORES**, as set forth in paragraph
 27 4 above.

28 Plaintiff was also denied full and equal access to other particulars, including, but not
 29 limited to, those described hereinabove. Plaintiff was also denied use of facilities that he was
 30 entitled to under Title III of the ***Americans with Disabilities Act of 1990***.

31 55. As a result of the denial of full and equal enjoyment of the goods, services,
 32 facilities and privileges of defendants' **SKYLARK SHORES** due to the acts and omissions of
 33 defendants, and each of them, in owning, operating and maintaining this subject public facility,

1 Plaintiff suffered violations of his civil rights, including, but not limited to, rights under
2 **California Civil Code** §§ 54, 54.1, and 54.3, and has and will suffer physical injury, emotional
3 distress, mental distress, mental suffering, mental anguish, which includes shame, humiliation,
4 embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally
5 associated with a disabled person's denial of full and equal enjoyment of goods, services,
6 privileges, etc. all to his damages as prayed hereinafter in an amount within the jurisdiction of
7 the court. Defendants' actions and omissions to act constituted discrimination against Plaintiff
8 on the sole basis that Plaintiff was physically disabled.

9 56. Plaintiff seeks damages for the violation of his rights as a disabled person on or
10 about April 5, 2008, according to proof, pursuant to **California Civil Code** § 54.3, including a
11 trebling of all statutory and actual damages, general and special, available pursuant to
12 **California Civil Code** § 54.3(a).

13 57. As a result of defendants' acts and omissions in this regard, Plaintiff **HERBERT**
14 **S. OLSON** has been required to incur legal expenses and hire attorneys in order to enforce his
15 rights and enforce provisions of the law protecting the full and equal enjoyment of goods,
16 services, facilities, privileges of public facilities by the disabled, and those individuals
17 associated with or accompanied by a person with disabilities, and prohibiting discrimination
18 against the disabled. Plaintiff, therefore, seeks recovery in this lawsuit for all reasonable
19 attorneys' fees incurred pursuant to the provisions of **California Civil Code** § 55. Additionally,
20 Plaintiff's lawsuit is intended not only to obtain compensation for damages to Plaintiff, but also
21 to compel the defendants to make their goods, services, facilities and privileges available and
22 accessible to all members of the public with physical disabilities, justifying public interest
23 attorneys' fees pursuant to the provisions of **California Code of Civil Procedure** § 1021.5.

24 58. The acts and omissions of defendants in failing to provide the required
25 accessible facilities subsequent to the enactment date and compliance date of the **Americans**
26 **with Disabilities Act of 1990**, and refusal to make remedial modifications and alterations to its
27 handicapped parking, handicapped signage, pathways, and other elements as hereinabove
28 stated, after being notified by patrons before and after the time of Plaintiff's visit and injuries,

1 on or about April 5, 2008, and all times prior thereto with the knowledge that persons with
2 disabilities would enter defendants' premises, the reason given therefor, was an established
3 policy, practice and procedure of refusing and denying entry, thereby denying services to a
4 person with disabilities and the companions thereof, evidence malice and oppression toward
5 Plaintiff and other disabled persons.

6 59. Plaintiff seeks injunctive relief pursuant to **California Civil Code** § 55 to require
7 Defendants to comply with federal and state access regulations.

8 60. Defendants have failed to establish a nondiscriminatory criteria, policy, practice
9 and procedure for entry into said "**SKYLARK SHORES**" as hereinabove described.

10 61. As a result of defendants' continuing failure to provide for the full and equal
11 enjoyment of goods, services, facilities and privileges of said "**SKYLARK SHORES**" as
12 hereinabove described, Plaintiff has continually been denied his rights to full and equal
13 enjoyment of the subject motel, as it would be a "futile gesture" to attempt to patronize said
14 "**SKYLARK SHORES**" with the discriminatory policy in place as hereinabove described.

15 62. The acts and omissions of defendants as complained of herein in failing to
16 provide the required accessible facilities subsequent to the enactment date and compliance
17 date of the **Americans with Disabilities Act of 1990** and refusal to make remedial
18 modifications and alterations to the architectural barriers as stated herein and in failing to
19 establish practices, policies and procedures to allow safe access by persons who are disabled
20 are continuing on a day-to-day basis to have the effect of wrongfully and willfully excluding
21 Plaintiff and other members of the public who are physically disabled, from full and equal
22 enjoyment of the subject "**SKYLARK SHORES**" as hereinabove described. Such acts and
23 omissions are the continuing cause of humiliation and mental and emotional suffering of
24 Plaintiff in that these actions continue to treat Plaintiff as an inferior and second class citizen
25 and serve to discriminate against him on the sole basis that he is physically disabled. Plaintiff
26 is unable, so long as such acts and omissions of defendants continue, to achieve full and
27 equal enjoyment of the goods and services of said "**SKYLARK SHORES**" as described
28 hereinabove. The acts of defendants have legally caused and will continue to cause

1 irreparable injury to Plaintiff if not enjoined by this court.

2 63. Wherefore, Plaintiff asks this court to preliminarily and permanently enjoin any
 3 continuing refusal by defendants to permit entry to said "**SKYLARK SHORES**" and to serve
 4 Plaintiff or others similarly situated, and to require defendants to comply forthwith with the
 5 applicable statutory requirements relating to the full and equal enjoyment of goods and
 6 services as described hereinabove for disabled persons. Such injunctive relief is provided by
 7 ***California Civil Code*** § 55. Plaintiff further requests that the court award statutory costs and
 8 attorneys' fees to Plaintiff pursuant to ***California Civil Code*** § 55 and ***California Code of Civil***
 9 ***Procedure*** § 1021.5, all as hereinafter prayed for.

10 WHEREFORE, Plaintiff prays for compensatory damages, reasonable attorneys' fees
 11 and costs of suit, as allowed by statute and according to proof.

12 **IV. FOURTH CAUSE OF ACTION**

13 VIOLATIONS OF **UNRUH CIVIL RIGHTS ACT**
 (California Civil Code §§ 51 and 51.5)

14 64. Plaintiff repleads and incorporates by reference, as if fully set forth again herein,
 15 the allegations contained in paragraphs 1 through 63 of this Complaint and incorporates them
 16 herein as if separately replied.

17 65. Defendants' acts and omissions as specified with regard to the discriminatory
 18 treatment of Plaintiff **HERBERT S. OLSON** on the basis of his physical disabilities, have been
 19 in violation of ***California Civil Code*** §§ 51 and 51.5, the ***Unruh Civil Rights Act***, and have
 20 denied to Plaintiff his rights to "full and equal accommodations, advantages, facilities,
 21 privileges or services in all business establishments of every kind whatsoever."

22 66. ***California Civil Code*** § 51 also provides that "[a] violation of the right of any
 23 individual under the ***Americans with Disabilities Act of 1990*** (Public Law 101-336) shall also
 24 constitute a violation of this section."

25 67. ***California Civil Code*** § 51.5 also provides that

26 "[n]o business establishment of any kind whatsoever shall discriminate against,
 27 boycott, or blacklist, refuse to buy from, sell to, or trade with any person in this
 28 state because of the race, creed, religion, color, national origin, sex, disability of
 the person or of the person's partners, members, stockholders, directors,
 officers, managers, superintendents, agents, employees, business associates,

suppliers, or customers.”

68. As a result of the violation of Plaintiff's civil rights protected by ***California Civil Code*** §§ 51 and, 51.5, Plaintiff is entitled to the rights and remedies of ***California Civil Code*** § 52, including a trebling of actual damages (defined by ***California Civil Code*** § 52(h) to mean "special and general damages"), as well as reasonable attorneys' fees and costs, as allowed by statute, according to proof.

WHEREFORE, Plaintiff prays that this court award damages and provide relief as follows:

PRAYER FOR RELIEF

Plaintiff prays that this court award damages and provide relief as follows:

1. Grant injunctive relief requiring that defendants establish a non-discriminatory criteria policy, practice and procedure permitting entry into the **SKYLARK SHORES** in Lakeport, California, for the purpose of obtaining the goods and services accorded therein according to ***California Civil Code*** §§ 51, 51.5, 52, 54, 54.1, 54.3, and 55, *et seq.*, and Title III of the ***Americans with Disabilities Act of 1990***, and grant injunctive relief requiring that Defendants repair and render safe to disabled persons, and otherwise make accessible, all public areas of the motel, including, but not limited to, each of the barriers to access identified in Paragraph 4, above, and make such facilities “readily accessible to and usable by individuals with disabilities,” according to the standards of Title 24 of the ***California Administrative Code***, ***California Health & Safety Code*** § 19955 *et seq.*, and Title III of the ***Americans with Disabilities Act of 1990*** and the standards of **ADAAG**; and prohibiting operation of the **SKYLARK SHORES**, located in Lakeport, California, as a public facility until Defendants provide full and equal enjoyment of goods and services as described hereinabove to physically disabled persons, including Plaintiff;

2. General damages according to proof;

3. Statutory and "actual" damages, including general damages and special damages, according to proof, pursuant to ***California Civil Code*** §§ 52, and 54.3, and that these damages be trebled;

4. Prejudgment interest on all compensatory damages;

5. Remedies and Procedures available under ***Americans with Disabilities Act of***
§§ 107, 203 and 308;

6. Award Plaintiff all litigation expenses, all costs of this proceeding and all reasonable attorneys' fees as provided by law, including, but not limited to, those recoverable pursuant to the provisions of ***California Civil Code*** §§ 52, 54.3, and 55, ***California Code of Civil Procedure*** § 1021.5, and ***Americans with Disabilities Act of 1990*** §308 of Title III; and

7. Grant such other and further relief as the court may deem just and proper.

SINGLETON LAW GROUP

Dated: July 8, 2008

/s/ Jason K. Singleton

Jason K. Singleton,
Richard E. Grabowski, Attorneys for
Plaintiff, **HERBERT S. OLSON**

REQUEST FOR JURY TRIAL

Plaintiff hereby requests a jury for all claims for which a jury is permitted.

SINGLETON LAW GROUP

Dated: July 8, 2008

/s/ Jason K. Singleton

Jason K. Singleton,
Richard E. Grabowski, Attorneys for
Plaintiff, **HERBERT S. OLSON**

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

I.(a) PLAINTIFFS**DEFENDANTS**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
				PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
				LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl.Ret. Inc. Security Act
				SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
UNDER F.R.C.P. 23 CHECK YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE
"NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)
(PLACE AND "X" IN ONE BOX ONLY) SAN FRANCISCO/OAKLAND SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD